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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 SERGIO GONZALEZ-GUZMAN,

9 Petitioner,

Case No. C15-1867-RSL

10 v.

11 JEFFERY A. UTTECHT,

12 Respondent.

ORDER GRANTING PETITIONER'S
MOTION TO DISMISS

13
14 On August 26, 2015, Petitioner Sergio Gonzalez-Guzman filed a *pro se* petition for writ
15 of habeas corpus under 28 U.S.C. § 2254 with the United States District Court for the Eastern
16 District of Washington. (Dkt. # 1.) On November 17, 2015, the case was transferred to this
17 District because Petitioner was seeking to challenge a King County Superior Court judgment.
18 (Dkt. # 9.) After the case arrived in this District, counsel was appointed to represent Petitioner
19 and a deadline was established for Petitioner's newly appointed counsel to file an amended
20 petition. (Dkt. # 14.) Prior to filing an amended petition, Petitioner's counsel moved to stay and
21 abey Petitioner's federal habeas proceedings pending completion of anticipated state court
22 collateral proceedings. (Dkt. # 17.)
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ORDER GRANTING PETITIONER'S
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1 The Court thereafter ordered that Petitioner's original petition and his motion to stay and
2 abey be served on Respondent, and that Respondent file a response only to Petitioner's motion to
3 stay and abey. (Dkt. # 18.) Respondent indicated in his response to Petitioner's motion that he
4 did not oppose the requested stay and, on July 1, 2016, the Court issued an Order granting the
5 motion and staying this action pending completion of Petitioner's state court collateral
6 proceedings. (Dkt. ## 22, 23.) Petitioner was subsequently directed to file a report every 180
7 days advising the Court of the status of his state court proceedings. (Dkt. # 25.)

8 On April 30, 2019, the Court received from Petitioner a status report and motion to
9 dismiss his federal habeas petition. (Dkt. # 29.) Petitioner's counsel explains therein that
10 Petitioner's conviction was vacated by the King County Superior Court on September 20, 2018
11 and a new trial date was set. (*Id.*) However, Petitioner has since been deported and is therefore
12 unavailable to be brought to court for trial. (*Id.*) Counsel further explains that the Washington
13 Court of Appeals has issued a mandate terminating its involvement in the case and it thus
14 appears that Petitioner's habeas petition is moot. (*Id.*)

15 Though Petitioner's federal habeas petition was served on Respondent, Respondent has
16 never filed an answer or other responsive pleading. It is therefore appropriate to treat Petitioner's
17 motion as a request for voluntary dismissal and to terminate this action without seeking a
18 response from Respondent. Accordingly, Petitioner's motion to dismiss (dkt. # 29) is
19 GRANTED and this federal habeas action is DISMISSED without prejudice.

20 DATED this 23rd day of May, 2019.

21 

22 Robert S. Lasnik
23 United States District Judge

1 Recommended for Entry this
23rd day of May, 2019.

3 s/Michelle L. Peterson
4 MICHELLE L. PETERSON
5 United States Magistrate Judge
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ORDER GRANTING PETITIONER'S
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